



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/927,670	08/10/2001	Noel E. Zeller	7485/65582	6526

7590 05/27/2004

Donald S. Dowden
Cooper & Dunham LLP
1185 Avenue of the Americas
New York, NY 10036

EXAMINER

WOOD, KIMBERLY T

ART UNIT	PAPER NUMBER
----------	--------------

3632

DATE MAILED: 05/27/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/927,670

Applicant(s)

ZELLER ET AL.

Examiner

Kimberly T. Wood

Art Unit

3632

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 April 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8,10-15,17 and 18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8,10-15,17 and 18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Art Unit: 3632

This is an office action for serial number 09/927,670, entitled Clipboard and Reading Stand With light and Drawers, in response to Amendment filed on April 24, 2004.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-8, 10-14, 17, and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Richardson 4,619,386 in view of Fisherman 5,176,438. Richardson discloses a base (14), a support (10), an adjuster comprising a stay arm (88) and hinge (85), two compartments (near 18 and 16 being one compartment, and 38 being the other compartment, means for selectively opening and closing the compartments (66 and 28), a light (56), and a device for securing writing material (64) being a spring clip (column 2, lines 2ff) or page holder (64). Richardson discloses all of the limitations of the claimed invention except for the retractable light. Fisherman discloses a base (22e and 22f), a support (14 and 22d and 22c), an adjuster (hinge attachment) including a stay arm (22a and 22b), a light (30, 38,

Art Unit: 3632

and 44), device for writing material (24), spring loaded clip (16) or page holder (16), a telescoping stalk pivotably mounted to the apparatus (near 38 and 44a, column 2, lines 66ff, and see figure 6). It would have been obvious to one having ordinary skill in the art at the time of the invention to have modified Richardson to have made the light to be retractable and extendable as taught by Fisherman for the purpose of allowing the light to be adjusted relative to the support for increasing or decreasing the amount of light on the clipboard and allowing the light to be moved to any desired position over the reading surface of the clipboard.

Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Richardson 4,619,386 in view of Fisherman 5,176,438 in view of Menaged 5,025,353. Richardson in view of Fisherman discloses all of the limitations of the claimed invention except for page holder being a pair of spaced apart spring loaded tabs. Menaged discloses a base (14), a support (26), an adjuster (24) being a hinge, a securing device being a spring clip (38; see column 4, lines 53ff) or in regards to claim 15 a page holder comprising a pair of spaced apart spring loaded tabs, a light (12), comprising a stalk (54; telescoping see claim 2) pivotably mounted (58) to the apparatus. It would have been obvious to one having ordinary skill in the art at the time of the invention to have modified Richardson in view of Fisherman to have included the spring loaded tabs as taught by

Managed as a better means of securing reading material to the apparatus.

Response to Arguments

Applicant's arguments filed October 3, 2003 have been fully considered but they are not persuasive.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., reading stand or table) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

In response to the arguments the examiner would like to point out that the support(10) is attached to the upper side of the base (element 14, see figure 4). The base (14) has a lower side (opposite) the upper side) that is constructed for placement on a reading stand or table. The limitations of the reading stand or table have not been positively claimed within the application. The lower side of the base (14) is clearly capable of being placed on a reading stand or table since reading stands and tables are available in a various shapes and

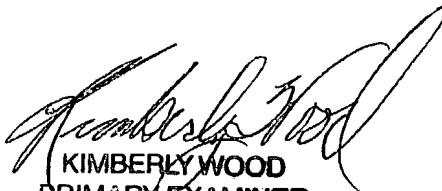
Art Unit: 3632

sizes therefore, the Richardson's base (14) is easily attachable to a reading stand or table. Richardson in view of Fisherman and in further view of Managed clearly met all of the limitations of the claimed invention presented by the applicant.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kimberly Wood whose telephone number is (703) 308-0539. The examiner can normally be reached on Monday-Thursday from 7:30 AM to 5:00 PM. Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-2168. The fax number for an Official Amendment or Response is (703) 872-9306. The fax number for an Unofficial Amendment or Response is (703) 308-3519.

Kimberly Wood
Primary Examiner
May 24, 2004



KIMBERLY WOOD
PRIMARY EXAMINER